

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 1 has been amended to recite that the optically anisotropic layer is formed directly on the polarizing membrane by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane, or wherein an orientation layer is formed directly on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer by coating a coating solution containing the liquid crystal molecules on a surface of the orientation layer. Support for this amendment can be found in the instant specification at least at page 3, lines 1-2, taken in connection with page 6, lines 15-18 and 21-25.

Applicant respectfully requests issuance of a supplemental form PTO-892 citing International Publication No. WO 02/06863, which has been relied upon by the Examiner in the outstanding Official Action.¹

In the Official Action, claims 1, 6 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. WO 98/00475 (*WO '475*). The Patent Office has relied on U.S. Patent No. 6,379,758 (*Hanmer et al*) as being an English language equivalent of *WO '475*. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to a polarizing plate comprising a polarizing membrane and an optically anisotropic layer formed from liquid crystal molecules, wherein the optically anisotropic layer is formed directly on the polarizing membrane by coating a

¹ It appears that in section 5 of the Official Action, the document cited as "WO 02/068863" should read "WO 02/06863."

coating solution containing the liquid crystal molecules on a surface of the polarizing membrane, or wherein an orientation layer is formed directly on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer by coating a coating solution containing the liquid crystal molecules on a surface of the orientation layer.

Hanmer et al relates to a liquid crystal display device comprising a liquid crystal cell and at least one compensation film or a combination of polarizers and optical compensators comprising at least one compensation film, said compensation film comprising at least one layer of an anisotropic polymer obtainable by polymerization of a mixture of a polymerizable mesogenic material, characterized in that the layer of the anisotropic polymer has a homeotropic or tilted homeotropic molecular orientation. Col. 1, lines 3-18.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For an anticipation to exist, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the present case, *Hanmer et al* does not disclose each feature recited in independent claim 1, and as such fails to constitute an anticipation of such claim. For example, *Hanmer et al* does not disclose that the optically anisotropic layer is formed directly on the polarizing membrane by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane, or wherein an orientation layer is formed directly on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer by coating a coating solution containing the liquid crystal molecules on a surface of the orientation layer, as recited in claim 1.

At section 13 of the Official Action, the Examiner has taken the position that while Applicants' specification recites that the anisotropic layer is formed directly on the polarizing membrane, the (previous) language of claim 1 does not recite such feature. Claim 1 now recites that the optically anisotropic layer is formed **directly** on the polarizing membrane, or an orientation layer is formed **directly** on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer. *Hanmer et al* provides no disclosure of such feature, and as such fails to constitute an anticipation of claim 1. Accordingly, for at least the above reasons, withdrawal of this rejection is respectfully requested.

Claims 1 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. WO 02/06863 (*WO '863*). The Patent Office has relied on U.S. Patent No. 6,977,700 (*Uesaka et al*) as being an English language equivalent of *WO '863*. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Uesaka et al relates to circular polarizers and liquid crystal displays provided with the same. Col. 1, lines 15-16.

Uesaka et al does not disclose each feature recited in independent claim 1, and as such fails to constitute an anticipation of such claim. For example, *Uesaka et al* does not disclose that the optically anisotropic layer is formed directly on the polarizing membrane by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane, or wherein an orientation layer is formed directly on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer by coating a coating solution containing the liquid crystal molecules on a surface of the orientation layer, as recited in claim 1.

In this regard, the Patent Office has relied on *Uesaka et al* for disclosing that a liquid crystal film may be formed directly on a polarizer. Official Action at section 5. However,

Uesaka et al has no disclosure that the optically anisotropic layer is formed directly on the polarizing membrane **by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane**. Nor is there any disclosure that an orientation layer is formed directly on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer **by coating a coating solution containing the liquid crystal molecules on a surface of the orientation layer**. In stark contrast, *Uesaka et al* specifies that the liquid crystal film is laminated over a transparent plastic film and then integrated with the polarizing film thereby obtaining the circular polarizer. Col. 6, lines 21-24. There is simply no disclosure that the optically anisotropic layer is formed by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane or orientation layer.

For at least the above reasons, it is apparent that *Uesaka et al* fails to constitute an anticipation of claim 1. Accordingly, withdrawal of the above §102(b) rejection is respectfully requested.

Claims 6-8 stand rejected under 35 U.S.C. §103(a) as being obvious over *Uesaka et al*. Specifically, at section 7 of the Official Action, the Examiner has alleged that it would have been obvious to employ light-diffusing or anti-reflection layers, and to optimize the thickness range of the transparent support. However, as discussed above, *Uesaka et al* has no disclosure or suggestion that the optically anisotropic layer is formed by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane or orientation layer, as recited in claim 1. Accordingly, withdrawal of the obviousness rejection is respectfully requested.

Claims 2, 5, 7-10, 13, 15-19 and 21 stand rejected under 35 U.S.C. §103(a) as being obvious over *WO '475* in view of U.S. Patent No. 6,400,433 (*Arakawa et al*). Claim 4 stands

rejected under 35 U.S.C. §103(a) as being obvious over *WO '475* in view of Japanese Patent Document No. JP 2000-304931 (*JP '931*). Claim 12 stands rejected under 35 U.S.C. §103(a) as being obvious over *WO '475* and *Arakawa et al*, and further in view of Japanese Patent Document No. JP 2001-166145 (*JP '145*). Claims 3, 11, 14 and 20 stands rejected under 35 U.S.C. §103(a) as being obvious over *WO '475* and *Arakawa et al*, and further in view of *JP '145*. As noted above, the Patent Office has relied on *WO '475* as being an English language equivalent of *WO '475*. Withdrawal of these rejections is respectfully requested for at least the following reasons.

Arakawa et al, *JP '931* and *JP '145* (i.e., the secondary applied documents) fail to cure the above-described deficiencies of *Hanmer et al*. In this regard, the Patent Office has relied on the secondary applied documents for curing various deficiencies of *Hanmer et al* with respect the dependent claims. Sections 8-11 of the Official Action. However, like *Hanmer et al*, the secondary applied documents do not disclose or suggest that the optically anisotropic layer is formed directly on the polarizing membrane by coating a coating solution containing the liquid crystal molecules on a surface of the polarizing membrane, or wherein an orientation layer is formed directly on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer by coating a coating solution containing the liquid crystal molecules on a surface of the orientation layer, as recited in claim 1.

For at least the above reasons, it is apparent that claim 1 is not obvious over the applied art. Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

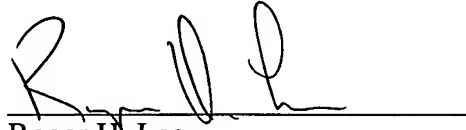
If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 23, 2008

By:

A handwritten signature in black ink, appearing to read "Roger H. Lee", is written over a horizontal line.

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